

Bureau of Land Management
DECISION RECORD
Determination of NEPA Adequacy
DOI-BLM-CO-N050-2017-0095-DNA
Lease Parcel Review June 2018

DECISION:

It is my decision to implement the proposed action described in DOI-BLM-CO-N050-2017-0095-DNA. I accept the conclusions described in the Determination of NEPA Adequacy (DNA) (NEPA is the National Environmental Policy Act), specifically, that the analysis of the selected alternatives in the *White River Field Office Record of Decision and Approved Resource Management Plan Amendment for Oil and Gas Development* (WRFO RMPA), approved August 2015; *Little Snake Record of Decision and Approved Resource Management Plan as amended by the Northwest Colorado Greater Sage-Grouse Approved Resource Management Plan Amendment* (LSFO RMP/EIS), approved October 2011, amended September 2015; *Kremmling Record of Decision and Approved Resource Management Plan* (KFO RMP), approved June 2015; and the *Final Environmental Assessment for the June 8, 2017 Competitive Oil and Gas Lease Sale* (June 2017 EA) for the White River, Little Snake, and Kremmling field offices, approved June 8, 2017, sufficiently described the potential impacts of the proposed action and alternatives. As a result of this decision, the Bureau of Land Management (BLM) will offer 62 parcels of land (55,809.67 acres) for lease in the June 2018 oil and gas competitive lease sale.

Terms/Conditions/Stipulations:

Standard terms and conditions, as well as the lease notices and stipulations identified by parcel in the Notice of Competitive Lease Sale and Attachment C to the DNA, will apply to any leases issued as a result of this sale.

AUTHORITIES:

The authority for this decision is contained in 30 USC § 226 and 43 Code of Federal Regulations (CFR) § 3100.

PLAN CONFORMANCE:

BLM has reviewed the proposed action and found that it conforms with the following approved resource management plans: *White River Field Office Record of Decision and Approved Resource Management Plan Amendment for Oil and Gas Development* (WRFO RMPA), approved August 2015; *Little Snake Record of Decision and Resource Management Plan* (LSFO RMP/EIS), approved October 2011, amended September 2015; *Kremmling Record of Decision and Approved Resource Management Plan* (KFO RMP), approved June 2015, and the *Northwest Colorado Greater Sage-Grouse Approved Resource Management Plan Amendment* (ARMPA), approved September 2015.

COMPLIANCE WITH MAJOR LAWS:

This decision complies with all applicable statutes, regulations, and policies, including the following:

- Endangered Species Act
- Migratory Bird Treaty Act
- Clean Water Act
- National Historic Preservation Act
- Clean Air Act
- Multiple-Use Sustained Yield Act
- Federal Onshore Oil and Gas Leasing Reform Act

MONITORING:

No monitoring is required in the sale and issuance of leases as a result of this decision. Should the parcels be developed, monitoring may be required.

ALTERNATIVES CONSIDERED:

Proposed Actions: The referenced EISs all considered the impacts of an alternative that encompassed the leasing of lands for oil and gas development within the respective field offices. The lands analyzed in those documents include the lands described in the proposed actions for the corresponding field office. The EISs' alternatives are described in greater detail in the DNA.

Preferred Alternatives: The Preferred Alternatives analyzed the lease sale and issuance for nominated parcels identified in Attachment C of the DNA with standard stipulations recommended at the time of nomination as well as additional stipulations identified through analysis to address site specific concerns (43 CFR§ 3101.1-3) consistent with the RMPs.

The act of leasing does not authorize any development or use of the surface of lease lands without further application and approval by the BLM. The legal descriptions, acreages per parcel, and applicable land use stipulations are identified in Attachment C of the DNA.

RATIONALE FOR DECISION:

The decision to approve the proposed action is based upon the following: 1) consistency with the approved resource management plans, 2) national policy, 3) agency statutory requirements, 4) relevant resource and economic issues, and 5) application of measures to avoid or minimize environmental impacts.

1. This decision is in conformance with the following approved resource management plans: the *White River Field Office Record of Decision and Approved Resource Management Plan Amendment for Oil and Gas Development* (WRFO RMPA), approved August 2015; *Little Snake Record of Decision and Resource Management Plan* (LSFO RMP/EIS), approved October 2011, amended September 2015; *Kremmling Record of Decision and Approved Resource Management Plan* (KFO RMP), approved June 2015, and the *Northwest Colorado Greater Sage-Grouse Approved Resource Management Plan Amendment* (ARMPA), approved September 2015.
2. It is the policy of the BLM as derived from various laws, including the Mineral Leasing Act of 1920, as amended [30 U.S.C. 181 *et seq.*], and the Federal Land Policy and Management Act of 1976, to make mineral resources available for disposal and to

encourage development of mineral resources to meet national, regional, and local needs.

3. The decision is consistent with applicable law required for implementation of the Proposed Action reviewed under DOI-BLM-CO-N050-2017-0095-DNA.
4. Lease stipulations for each parcel address resource concerns identified in the NEPA review process. Economic contributions supported by implementation of the proposed action have been analyzed in the EISs referenced in the DNA.
5. Standard terms and conditions and special stipulations will apply. Lease stipulations consistent with the respective Resource Management Plans named above for the White River, Little Snake, and Kremmling field offices were added to address site specific concerns or new information not identified in the land use planning process.

PUBLIC SCOPING:

On September 5, 2017, the BLM initiated public scoping by posting a courtesy announcement of the proposed Lease Sale on the BLM website at:

<https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/leasing/regional-lease-sales/colorado>

On September 4, 2017, forty-nine (49) courtesy letters were mailed to adjacent private surface owners of lands associated with the proposed lease parcels. Notification letters were also sent to 17 federal, state, and local agencies. The BLM received 10 comments during the scoping period.

PUBLIC COMMENTS:

On December 7, 2017, the preliminary DNA was posted for a 30-day public comment review here: <https://go.usa.gov/xnXwr>

BLM received eight (8) emailed comments and/or letters about the proposed June 2018 Oil and Gas Lease Sale during the 30-day public comment period of December 7, 2017 until January 8, 2018. Four of the comments were non-substantive, including one comment in favor of the lease sale. The non-substantive comments speculated on the magnitude and consequence of development of parcels instead of the leasing action being considered in the EA. The remaining four comments were substantive. Four of the eight comments were from private individuals and four were from national or local/state organizations. Commenters had concerns about air and water quality, water depletions, climate change, greater sage-grouse, aquatic wildlife, terrestrial wildlife, endangered species, the methane waste rule, leasing, and compliance with NEPA. The BLM's review of and responses to these comments is included as Attachment F of the DNA.

PUBLIC PROTESTS:

On April 20, 2018, the BLM Colorado State Office (CSO) lease sale notice announced that parcels of land would be offered in a competitive oil and gas lease sale on June 7, 2018. This lease sale notice initiated a 10-day protest period for the lease sale. On April 30, 2018, the BLM CSO received six timely protest letters, representing 11 organizations and one individual. One late protest letter arrived to the BLM CSO on May 1, 2018.

APPEALS:

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1 (copy attached). If an appeal is taken, your notice of appeal must be filed in this office (at the below address) within 30 days from your receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

Bureau of Land Management
Colorado State Office
2850 Youngfield Street
Lakewood, Colorado 80215-7210

You may file a notice of appeal by paper copy only. Even if the BLM has previously corresponded with you by email, facsimile, or social media means, the BLM will not accept a notice of appeal transmitted electronically (e.g., by email, facsimile, or social media means). Also, the BLM will not accept a petition for stay that is transmitted electronically (e.g., by email, facsimile, or social media means). Both the notice of appeal and any petition for stay must be received on paper at the office identified above.

If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for stay must accompany your notice of appeal. A copy of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR §4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to show sufficient justification based on the standards listed below.

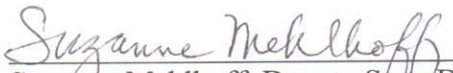
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success of the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and,
4. Whether the public interest favors granting the stay.

Approved by:

Date:


Suzanne Mehlhoff, Deputy State Director
Division of Energy, Lands, and Minerals

